

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP,

and

TAIWAN SCOTT, on behalf of himself and all
other similarly situated persons,

Plaintiffs,

v.

THOMAS C. ALEXANDER, in his official
capacity as President of the Senate;
LUKE A. RANKIN, in his official capacity as
Chairman of the Senate Judiciary Committee;
JAMES H. LUCAS, in his official capacity as
Speaker of the House of Representatives;
CHRIS MURPHY, in his official capacity as
Chairman of the House of Representatives
Judiciary Committee; WALLACE H.
JORDAN, in his official capacity as Chairman
of the House of Representatives Elections Law
Subcommittee; HOWARD KNAPP, in his
official capacity as interim Executive Director
of the South Carolina State Election
Commission; JOHN WELLS, Chair,
JOANNE DAY, CLIFFORD J. ELDER,
LINDA MCCALL, and SCOTT MOSELEY,
in their official capacities as members of the
South Carolina State Election Commission,

Defendants.

Case No. 3:21-cv-03302-MGL-TJH-RMG

THREE-JUDGE PANEL

**PLAINTIFFS' AMENDED DEPOSITION
DESIGNATIONS, OBJECTIONS, AND
COUNTER-DESIGNATIONS FOR
HOUSE DEFENDANTS' WITNESSES**

Pursuant to the guidance from the Court regarding deposition designations, below are Plaintiffs' updated, narrowed designations and updated counter-designations and objections to House Defendants' counter-designations.¹ To aid the Panel's review, Plaintiffs will file copies of the below transcripts with color coded highlights of Plaintiffs' designations, Defendants' counter-designations, and each Parties' objections.

Plaintiffs have withdrawn their designations for the depositions of Rep. Justin Bamberg, Sen. George Campsen, Mr. Patrick Dennis, Rep. Wallace "Jay" Jordan, Sen. Shane Massey, Rep. Wm. Weston Newton, and Mr. William Roberts because Defendants have called or plan on calling them as witnesses. Plaintiffs reserve their right to submit designations for these individuals if Defendants do not call them as witnesses during the trial.

Witness Designations

1. Beth Bernstein

Designations: 40:6-41:23, 46:7-50:4, 55:3-58:22 79:7-82:11, 84:5-17, 86:16-87:3, 89:3-8, 90:8-20, 95:14-96:7 101:21-103:15, 105:11-106:11, 110:16-112:3, 139:12-140:15, 154:19-155:17, 161:6-17, 162:4-12, 162:25-164:15, 182:8-186:22, 188:21-196:10, 198:4-23, 215:24-219:3, 227:12-231:21

Objections to Defendants' Counter-Designations:

241:16-19: Rule 701 (calls for improper lay opinion)

263:19-24: Rule 701 (calls for improper lay opinion)

264:11-16: Rule 701 (calls for improper lay opinion)

2. Neal Collins

¹ This filing only contains designations, counter designations, and objections as to House Defendants' witnesses. When Plaintiffs receive Senate Defendants' counter designations, the Court will be provided a corresponding submission covering Senate Defendants' witnesses.

Designations: 47:3-49:21, 53:16-54:1, 57:2-61:9, 72:21-74:2, 88:13-94:10, 94:18-96:3, 105:3-106:18, 111:11-113:12, 115:13-118:14, 119:2-120:13, 130:2-13, 130:17-20, 134:16-141:8, 140:17-144:18

Objections to Defendants' Counter-Designations: None

3. Emma Dean

Designations:

Vol 1: 16:13-21:2, 35:5-36:8, 37:24-41:11, 41:21-44:6, 45:18-49:22, 70:22-74:5, 84:2-85:22, 86:7-87:5, 91:2-22, 93:23-97:5, 115:25-118:7, 119:9-128:17, 131:18-132:6, 133:2-134:23, 138:23-139:21, 150:9-152:2, 178:13-187:8, 189:14-193:17, 194:20-197:18, 200:19-201:20, 202:23-205:9, 207:14-211:7, 213:9-224:5, 226:24-228:10, 230:5-233:5, 234:14-21, 236:23-239:6, 239:23-254:21, 255:21-256:22, 257:5-266:2, 275:3-20, 297:3-308:5

Vol. 2: 12:6-11, 18:24-19:18, 27:8-28:20, 30:15-32:16, 33:5-34:6, 34:20-36:25, 39:13-40:4, 41:8-43:8, 43:25-49:14, 52:12-59:14, 59:25-62:6, 64:6-24, 66:24-67:13, 68:6-69:21, 71:10-72:17, 73:3-80:22, 87:2-95:23, 96:6-97:21, 100:22-111:16

Objections to Defendants' Counter-Designations: None

4. Thomas Hauger

Designations:

Vol 1: 5:1-12, 15:11-24, 18:21-19:2, 27:17-32:16, 33:6-34:10, 38:4-39:18, 40:2-43:6

Vol 2: 10:4-12:12, 12:13-12:25, 16:19-21, 17:5-21:25, 22:1-22:17, 23:16-25:4, 25:21-25:24, 26:10-26:12, 26:21-27:10, 28:13-38:22, 38:24-39:4, 39:5-40:17, 41:15-42:8, 44:8-44:10, 45:11-45:21, 50:1-51:14, 52:6-53:17, 53:22-57:3, 58:5-58:11, 58:17-59:2, 59:10-68:4, 69:8-75:25, 76:18-77:4, 77:13-79:25, 80:19-86:23, 88:13-90:21, 91:11-106:13, 107:17-108:9, 110:14-113:15, 114:1-12, 114:19-118:2, 119:1-119:12, 121:5-14, 122:18-123:12, 124:16-125:10, 125:15-127:10, 138:17-139:15, 142:9-144:12

Objections to Defendants' Counter-Designations: None

5. Howard Knapp

Designations: 8:2-16, 14:22-17:21, 18:7-25, 19:13-27:3, 28:24-31:10, 34:4-36:22, 40:12-46:13, 47:12-50:17, 51:25-52:16, 54:3-15, 55:7-24, 57:5-59:11, 59:22-76:5, 78:18-81:18, 82:13-93:5, 96:8-15.

6. James Lucas

Designations:

Vol 1: 82:21-86:3, 90:25-94:11, 101:18-102:8, 119:23-124:15, 133:12-136:16, 145:23-150:1

Vol 2: 9:17-21, 18:14-23:25, 26:3-27:12, 28:20-29:16, 29:20-23, 29:24-35:23, 36:18-25, 37:18-38:14, 41:17-43:9, 44:2-4, 44:21-48:7, 48:19-21, 49:13-16, 50:25-53:8, 55:14-56:16, 59:18-60:18, 63:19-65:14, 65:23-67:9, 71:3-11; 71:24-72:21, 73:5-11, 73:12-16, 76:19-79:6, 80:21-81:4, 83:10-84:16, 88:16-90:24, 92:1-97:2, 98:6-108:11, 109:21-111:7, 117:10-121:3

Objections to Defendants' Counter-Designations: None

7. Chris Murphy

Designations:

Vol. 1: Vol 1: 22:9-2533:19-37:15, 74:23-75:14, 83:8-87:22, 91:13-92:21, 96:2-21, 98:25-100:4, 100:22-101:13, 103:15-104:4, 108:17-109:1, 150:13-151:7, 202:12-25, 204:1-13, 205:15-19, 206:18-24, 208:4-212:8, 214:6-216:11, 220:3-229:22, 232:19-240:16, 242:4-246:25, 247:18-250:2, 254:13-256:5, 257:12-262:5

Vol. 2: 15:8-20:3, 21:23-22:13, 23:23-24:10, 26:6-27:22, 28:8-19, 29:18-30:12, 30:15-33:10, 35:4-37:9, 37:15-38:13, 38:17-40:20, 42:4-12, 42:18-24, 47:1-48:11, 49:10-16, 50:20-51:2, 51:10-19, 51:21-24, 52:12-56:18, 59:21-60:7, 65:5-11, 66:19-67:3, 67:21-73:10, 73:14-75:23, 77:25-79:20, 80:19-82:7, 83:9-24, 84:2-4, 84:22-88:17, 89:16-23, 90:10-93:15, 93:20-94:13, 94:17-95:6, 95:10-96:2, 97:21-98:16, 99:17-101:11, 103:10-104:11

Objections to Defendants' Counter-Designations: None

Plaintiffs' Counter-Designations and Objections

1. Benjamin Fifiel

Counter-designations: 8:3-9:13, 49:13-51:22, 98:18-114:9, 135:16-19, 139:15-141:8, 145:1-146:8, 167:9-168:19, 175:20-24, 189:16-190:12, 191:24-196:1, 191:9-208:11.

Objections:

General Objection: This testimony is subject to a motion in limine.

Specific Objections:

118:23-119:5: Rule 602 (speculation); Rule 701 (calls for opinion), Rule 401 (relevance)

119:6-120:1 Rule 602 (speculation); Rule 701 (calls for opinion), Rule 401 (relevance)

120:3-11: Rule 602 (speculation); Rule 701 (calls for opinion), Rule 401 (relevance)

120:12-120:22: Rule 602 (speculation); Rule 701 (calls for opinion), Rule 401 (relevance)

175:8-18: Rule 701 (calls for opinion), Rule 401 (relevance)

192:15-22: Rule 401 (relevance)

193:5-13: Rule 401 (relevance)

193:15-22: Rule 401 (relevance)

193:24-194:7: Rule 401 (relevance)

196:12-20: Rule 401 (relevance)

196:22-197:6: Rule 401 (relevance)

Dated: October 12, 2022

Leah C. Aden**
Stuart Naifeh**
Raymond Audain**
John S. Cusick**
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
40 Rector St, 5th Fl.
NY, NY 10006
Tel.: (212) 965-7715
laden@naacpldf.org

Santino Coleman***Fed. ID 11914
Antonio L. Ingram II**
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
700 14th St, Ste. 600
Washington, D.C. 20005
Tel.: (202) 682-1300
aingram@naacpldf.org

Adriel I. Cepeda Derieux**
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
Tel.: (212) 549-2500
acepedaderieux@aclu.org

John A. Freedman**
Elisabeth S. Theodore*
Gina M. Colarusso**
John M. Hindley**
ARNOLD & PORTER
KAYE SCHOLER LLP
601 Massachusetts Ave., N.W.
Washington, D.C. 20001
Tel: (202) 942-5000
john.freedman@arnoldporter.com

Janette M. Louard*
Anthony P. Ashton*
Anna Kathryn Barnes*

Respectfully submitted,

/s/ Allen Chaney
Allen Chaney, Fed. ID 13181
AMERICAN CIVIL LIBERTIES
UNION OF SOUTH CAROLINA
Charleston, SC 29413-0998
Tel.: (843) 282-7953
Fax: (843) 720-1428
achaney@aclusc.org

Christopher J. Bryant, Fed. ID 12538
BOROUGHES BRYANT, LLC
1122 Lady St., Ste. 208
Columbia, SC 29201
Tel.: (843) 779-5444
chris@boroughsbryant.com

Somil B. Trivedi**
Patricia Yan**
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
915 15th St., NW
Washington, DC 20005
Tel.: (202) 457-0800
strivedi@aclu.org

Jeffrey A. Fuisz**
Paula Ramer**
ARNOLD & PORTER KAYE
SCHOLER LLP
250 West 55th Street
New York, NY 10019
Tel: (212) 836-8000
jeffrey.fuisz@arnoldporter.com
Sarah Gryll**
ARNOLD & PORTER KAYE
SCHOLER LLP
70 West Madison Street, Suite 4200
Chicago, IL 60602-4231
Tel: (312) 583-2300
sarah.gryll@arnoldporter.com

NAACP OFFICE OF THE GENERAL COUNSEL
4805 Mount Hope Drive
Baltimore, MD 21215
Tel: (410) 580-5777
jlouard@naacpnet.org

*Counsel for Plaintiff the South Carolina Conference
of the NAACP*

* Motion for admission *Pro Hac Vice* forthcoming
** Admitted *Pro Hac Vice*
*** Mailing Address Only (working remotely from
South Carolina)

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2022, a true and correct copy of the foregoing was served on all counsel of record by filing with the Court's CM/ECF service.

/s/ Allan Chaney
Allan Chaney